

THERAPEUTIC USE OF CANNABIS ADVISORY COUNCIL

Thursday, December 19, 2013, 2:00-4:00

Legislative Office Building Rooms 205-207

DRAFT MINUTES

Members in attendance were as follows:

Representative James R. MacKay (Chair)
Representative Donald “Ted” Wright
Michael Holt, NH Department of Health and Human Services (Clerk)
Robert Andelman, MD, NH State Board of Medicine
Devon Chaffee, Esquire, NH Civil Liberties Union
Kelly DeFeo, APRN, NH Nurse Practitioner Assoc.
Stuart Glassman, MD, NH Medical Society
Peter Gosline, Monandnock Community Hospital
Colette Horgan, Exeter Hospital
Andrew Shagoury, Public Member

Members absent were as follows:

Robert Duhaime, NH Board of Nursing
Lt. John Encarnacao, NH Department of Safety
Lisa Kilar, Qualifying Patient
James Vara, NH Department of Justice
Senator Jeff Woodburn

Review and Approval of Minutes

The minutes from the October 24, 2013 meeting were approved. Motion by Rep. Wright and seconded Andrew Shagoury. Vote to approve minutes, 10-0.

Review of Annual Report

Rep. MacKay asked Mr. Holt to present the Therapeutic Use of Cannabis Advisory Council 2013 Annual Report. Mr. Holt listed contents and highlights of the report.

Chief Shagoury moved to adopt, and Rep. Wright seconded.

Discussion. Peter Gosline asked about Advisory Council responsibilities contained in the law and the report, specifically what benchmarks will the Advisory Council use to measure the success of the program. Rep. MacKay indicated that this is an ongoing question, that Dr. Glassman raised the same issue at the previous two meetings, and that he [Rep. MacKay] has asked the National Conference of State Legislatures (NCSL) for help on this. Rep. MacKay offers to follow up with NCSL, due in part to depleted resources at DHHS.

Vote to approve report, 10-0.

DHHS Update

Mr. Holt presented a DHHS update. Rules are the required first deliverable, but the Department needs to build the internal departmental infrastructure to build and implement the program.

Rules. Draft patient registry rules have been circulated internally and are actively being worked on. Draft table of contents for alternative treatment center rules has been completed. Proposed timeframe for registry rules will not be met. The goal had been to bring draft registry rules to the January 2014 Advisory Council meeting. The target is now the February 2014 meeting.

Systems/Infrastructure. A webpage has been created on the DHHS website for the DHHS Therapeutic Cannabis Program, which includes a dedicated Advisory Council page. DHHS has repositioned a dedicated employee to serve as Program Manager for the Therapeutic Cannabis Program (TCP). This is Christine Topham; she was present in the gallery and was introduced to the Advisory Council. The Department is conducting weekly meetings of the TCP program steering committee and individual work groups on alternate weeks (sometimes more frequently). The Department is actively exploring hardware and software options for electronic registry database and identification card printing.

National Outreach. The Department has contacted all states with medical marijuana laws for information, best practices, and challenges faced. The Department has had conference calls with Vermont, Illinois, and Arizona, and a call Connecticut is scheduled. Focus has been on information technology issues (esp. registry database).

Discussion.

Kelly DeFeo: Will you be getting input from medical providers on the database infrastructure issues or will you make the decisions? Mr. Holt: Registry Database is not intended to be for use by medical providers. Due to the cost of building or buying a system, it will likely be a paper-based application system, with data submitted by applicants and entered into the electronic database, rather than a web-based application and database, but this has not yet been decided. It is not likely that providers will have access into the system. Ms. DeFeo: Will you share information with the council or make your decisions yourself? Mr. Holt: On implementation issues, DHHS has the discretion. If council members have their own research, the Department is happy to accept input. Ms. DeFeo: The application process has to be practical for applicants. Maybe a more intricate [web-based] system is necessary. Mr. Holt reminded the Council that there was no money appropriated with the bill.

Devon Chaffee expressed that she is glad that issues of confidentiality with data systems have been raised and are being considered by the Department, but that she has similar concerns about the ease of the application process.

Dr. Glassman asked if there is information available yet on start-up costs? Mr. Holt responded that the Department is not prepared to offer cost estimates from NH or other states.

Mr. Holt offered the following: The Arizona registry had to be operational within 120 days of Arizona's law being passed. It succeeded but there were at least 4 dedicated people for the program. Vermont seemed to have a fairly rudimentary point-in-time system, with problems with historical data retrieval.

Both Arizona and Vermont have requirements that require access 24/7 to law enforcement. NH does not have that requirement.

Rep. MacKay indicated that he will ask experts to come in to speak to the Council.

Chief Shagoury: DOIT is a separate agency. Do you get charged? Mr. Holt: Don't know. Chief Shagoury asks to receive information on options that the Department is considering so that the Council can better advise DHHS.

Rep. Wright: Has information from other states, so far, been relayed through email or phone calls? Mr. Holt: Mainly conference calls, and information publicly available on various states websites. Rep. Wright: Can someone from the Council come to the DHHS internal workgroup meetings? Mr. Holt: Don't know, would need to bring this question back to the Department.

Mr. Gosline asks for a summary of existing programs and a list of the ways the Council is to measure success.

Rep. MacKay: We need to strike balance between getting the Council information and allowing the Department to do what it needs to do with its limited resources.

Dr. Glassman: Cannabis is much stronger than it used to be so comparing past research to current times would not be apples to apples.

Upcoming legislation

Discussion of bills filed. Hearings won't be scheduled until after they are introduced on Jan 8th session.

HB 1296, adding a member to the therapeutic use of cannabis advisory council [endorsed by Council]
SB 234, relative to procedural changes in the law governing therapeutic use of cannabis [endorsed by Council]

HB 1616, Rep. Wright, making changes to the therapeutic cannabis laws.

HB 1622, Rep. Wright, permitting qualifying patients and registered caregivers to cultivate cannabis for therapeutic use.

HB 1623, prohibiting a licensed alternative treatment center from advertising therapeutic cannabis

Erica Golter, NH Chapter of the National Organization for the Reform of Marijuana Laws (NORML)

Ms. Golter raises the issue of a potential situation where registry identification cards are issued prior to alternative treatment centers being operational, and asks, if that happens, how are patients to legally acquire therapeutic cannabis? She argues that, if this situation were to occur, state law would create felons, promote the black market and force patients to risk poor quality cannabis and dangerous acquisition methods, and would be unconstitutional by providing a law that allows for the therapeutic use of cannabis while denying meaningful legal access. Ms. Golter's suggested solution is for the state to allow some home cultivation option.

Kelly DeFeo agrees that this is a legitimate problem, but that the proposed solution is contrary to current law. Advocates for a home cultivation option would need to discuss the issue with the Governor.

Rep. Wright talks about HB 1622, a bill he is sponsoring that includes a home cultivation option, which allows local health officers the authority for inspecting registered premises.

Rep. MacKay explains the legislative history of the home cultivation option, whereby the House approved home cultivation and the Senate removed it based on the threat of the Governor's veto. This removal was the only way for the therapeutic cannabis legislation to be approved.

Devon Chaffee says that advocates need to bring this message to the Governor and to a legislative hearing.

Ms. Golter submitted a copy of her testimony and her survey results to the Council.

Next Meeting and Other Business

The next meeting of the Advisory Council is proposed as February 28. Dr. Glassman raises this date's conflict with vacation week. Rep. MacKay agrees to look for a better day.

Issue of distribution of materials (eg, information, web links, emails, etc.) to Council members is raised. While materials can be shared amongst members, per the right-to-know law the Council cannot have discussion or make decisions in private.

Public Participation

Rep. MacKay allows unscheduled public participation. Issues raised include:

- The presence of a "public member" on the Council.
- Response to Dr. Glassman's comment on the strength of therapeutic cannabis.
- The existence of studies on therapeutic cannabis from other countries, like Israel.
- The need for the list of qualifying conditions to include post-traumatic stress disorder.

Meeting adjourned at 4:10.